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Amendment After Final
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members the stent when radially deployed to its nominal diameter having the first type of set of strut members having greater radial rigidity as compared to the second type of set of strut members.

REMARKS

This amendment is being filed along with a Request for Continued Examination in response to the office action mailed July 30, 2002 in which the specification was objected to, claims 9-20 were rejected under 35 USC 112, first and second paragraphs and under 35 USC 102(e). The abstract has also been amended in light of amendments made to the claims.

Specification

The abstract is objected to because it is said to have a grammatical error on line 3. Applicant submits herewith an amended abstract. The word 'connector' identified in the Office Action has been rewritten in plural form.

35 USC 112

Claims 9-20 are rejected under 35 USC 112, first paragraph. The Office Action states that the claim language of "the first type or set of strut members...of the second type or set of strut members" was not originally contemplated.

Independent claims 9 and 18 have been amended. The instant claims find support in the final paragraph of page 4 of the specification. The longer pathlength recited in the in claim is an inherent feature of the stent described in the final paragraph of page 4 of the specification as well as that shown in Fig. 4. As such, it is clear that this feature of the invention was originally contemplated.

Claims 9-20 are rejected under 35 USC 112, second paragraph. The Office Action states that the circumferential lengths of the all the circumferential sections are the same. Applicant has amended claims 9 and 18 to recite that the struts form closed structures which extend about the periphery of the stent and are comprised of longitudinally aligned strut

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members. The first type of set of strut members forms a path about the periphery of the stent which has a shorter total length as compared to the total length of a pathway about the periphery of the stent formed by the second type of set of strut members.

Withdrawal of the rejections under 35 USC 112, first and second paragraphs is respectfully requested.

35 USC 102(e)

Claims 9-20 are rejected under 35 USC 102(e) in light of Moriuchi (US 6013854).

Claims 9 and 18 and claims dependent therefrom include the recitation that each set of strut members forms a closed structure which extends about the periphery of the stent. The closed structure is comprised of longitudinally aligned strut members. The stent of Figs. 5 and 6 of Moriuchi, on the other hand, is helical. It does not have sets of struts members which are longitudinally aligned. Because it is helical, even if a set of strut members forming a closed structure could be identified in Figs. 5 and 6 of Moriuchi, adjacent struts within the closed structure end at different longitudinal locations along the stent and are, therefore, not longitudinally aligned with one another.

Claims 18 and 20 are rejected under 35 USC 102(b) in light of Cardon (EP 0541443/US 5383892).

Claims 18 and 20 as amended include the recitation that each set of strut members forms a serpentine closed structure. This feature is not found in Cardon. Each end of the Cardon stent is in the form of a mesh of helical wires, not a serpentine structure.

Withdrawal of the section 102 rejections is respectfully requested.

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CONCLUSION

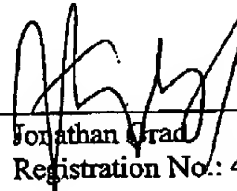
In light of the above, the application is believed to be in condition for allowance.
Notice to that effect is respectfully requested.

Respectfully submitted,

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By: _____



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In the Abstract, on page 7 of the specification, please replace the paragraph beginning on line 5 with the following amended paragraph:

An expandable stent comprises a multiplicity of sets of strut members. Each set of strut members forms a circumferentially extending closed structure with adjacent sets of strut members being coupled each to the other by [connector] connectors. The stent has two types of [circumferentially extending] sets of strut members, a first type of set of strut members and a second type of set of strut members. The first type of set of strut members has a shorter total pathlength about the periphery of the stent than the second type of set of strut members, [circumferential length as compared to the total circumferential length of the second type of set of strut members.] When the stent is radially deployed to its nominal diameter, the first type of set of strut members has greater radial rigidity as compared to the second type of set of strut members

Please amend claims 9 and 18 as follows:

9.(Amended) A thin-walled, cylindrical stent formed from a single piece of metal, the stent having a nominal diameter when fully radially deployed into a vessel of the human body and having a longitudinal direction parallel to the axial axis of the cylindrical stent, the stent further comprising a multiplicity of sets of strut members with each set of strut members forming a [circumferentially extending] closed structure which extends about the periphery of the stent, the closed structure comprised of longitudinally aligned strut members, [with] adjacent sets of strut members being coupled each to the other by connectors, said stent having a proximal end, a distal end and a center section located approximately half-way between said proximal and distal ends, said stent having two types of circumferentially extending sets of strut members, a first type of set of strut members and a second type of set of strut members, the first type of set of strut members forming a path about the periphery of the stent which has [having] a shorter total [circumferential] length as compared to the total [circumferential] length of a pathway about the periphery of the stent formed by the second type of set of strut members, the stent when radially deployed to its nominal diameter having the first type of set of strut members having greater radial rigidity as compared to the second type of set of strut members.

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18.(Amended) A stent having a nominal diameter when fully radially deployed into a vessel of the human body and having a longitudinal direction parallel to the axial axis of the stent, the stent further comprising a multiplicity of sets of strut members with each set of strut members forming a [circumferentially extending] serpentine closed structure which extends about the periphery of the stent, the closed structure comprised of longitudinally aligned strut members,[with] adjacent sets of strut members being coupled each to the other by connectors, said stent having a proximal end, a distal end and a center section located approximately half-way between said proximal and distal ends, said stent having two types of circumferentially extending sets of strut members, a first type of set of strut members and a second type of set of strut members, the first type of set of strut members forming a path about the periphery of the stent which has [having] a shorter total [circumferential] length as compared to the total [circumferential] length of a pathway about the periphery of the stent formed by the second type of set of strut members the stent when radially deployed to its nominal diameter having the first type of set of strut members having greater radial rigidity as compared to the second type of set of strut members.